

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TRUEPOSITION, INC.,

Plaintiff and
Counterclaim-Defendant,

v.

Civil Action No. 05-747-SLR

ANDREW CORPORATION,

Defendant and Counterclaim
Plaintiff.

ANDREW CORPORATION'S PROPOSED SPECIAL VERDICT FORM

YOUNG CONAWAY STARGATT & TAYLOR, LLP
Josy W. Ingersoll (No. 1088) [*jingersoll@ycst.com*]
Andrew A. Lundgren (No. 4429) [*alundgren@ycst.com*]
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
302-571-6600

OF COUNSEL:

Attorneys for Defendant Andrew Corporation

John M. Desmarais
KIRKLAND & ELLIS LLP
153 East 53rd Street
New York, New York 10022
(212) 446-4800

Michael A. Parks
Rachel Pernic Waldron
Shira J. Kapplin
KIRKLAND & ELLIS LLP
200 East Randolph Drive
Chicago, Illinois 60601
(312) 861-2000

Dated: August 24, 2007

We, the jury, unanimously find as follows:

Infringement Claim

1. Do you find by a preponderance of the evidence that Andrew has directly infringed any of the following claims of the '144 patent?

(A "yes" answer to this question is a finding for TruePosition; a "no" answer is a finding for Andrew.)

Answer:

Claim 1 _____

2. Do you find by a preponderance of the evidence that Andrew has induced the infringement of any of the following claims of the '144?

(A "yes" answer to this question is a finding for TruePosition; a "no" answer is a finding for Andrew.)

Answer:

Claim 1 _____

Claim 22 _____

Claim 31 _____

3. Do you find by a preponderance of the evidence that Andrew has contributed to the infringement of any of the following claims of the '144 patent?

(A "yes" answer to this question is a finding for TruePosition; a "no" answer is a finding for Andrew.)

Answer:

Claim 1 _____

Claim 22 _____

Claim 31 _____

4. If you answered “yes” to questions 1, 2, or 3, do you also find that TruePosition has shown by clear and convincing evidence that Andrew has willfully infringed the 144 patent?
(A “yes” answer to this question is a finding for TruePosition; a “no” answer is a finding for Andrew.)

Answer:

Invalidity Claim

5. Do you find by clear and convincing evidence that any of the following claims of the 144 patent are obvious or anticipated?
(A “yes” answer is a finding for Andrew; a “no” answer is a finding for TruePosition.)

Answer:

Claim 1 _____
Claim 22 _____
Claim 31 _____

Fraud Claim

6. Do you find by a preponderance of the evidence that TruePosition committed fraud?
(A “yes” answer is a finding for Andrew; a “no” answer is a finding for TruePosition.)

Answer:

7. Do you find by clear and convincing evidence that TruePosition committed fraud?
(A “yes” answer is a finding for Andrew; a “no” answer is a finding for TruePosition.)

Answer:

Fraud Claim Damages

If you answered “yes” to question 6, you must answer the next question:

- 6a. Do you find that Andrew is entitled to \$1.00 in damages?

Answer:

If you answered “yes” to questions 6a and 7, you must answer the next question:

6b. Do you find that Andrew is entitled to punitive damages?

Answer:

If you answered “yes” to question 6b, state the amount of punitive damages you wish to award to Andrew:

Amount: \$ _____

Equitable Estoppel Claim

8. Do you find by a preponderance of the evidence that equitable estoppel bars TruePosition from asserting any of the claims of the ‘144 patent?

(A “yes” answer is a finding for Andrew; a “no” answer is a finding for TruePosition.)

Answer:

Implied License Claim

9. Do you find by a preponderance of the evidence that as a result of TruePosition’s conduct that Andrew has an implied license under the ‘144 patent?

(A “yes” answer is a finding for Andrew; a “no” answer is a finding for TruePosition.)

Answer:

Promissory Estoppel Claim

10. Do you find by clear and convincing evidence that TruePosition’s claims for patent infringement are barred due to promises TruePosition made?

(A “yes” answer is a finding for Andrew; a “no” answer is a finding for TruePosition.)

Answer:

Unclean Hands Claim

11. Do you find by clear and convincing evidence that TruePosition's claims for patent infringement are barred due to TruePosition's unclean hands?

(A "yes" answer is a finding for Andrew; a "no" answer is a finding for TruePosition.)

Answer:

Infringement Claim Damages

If you answered "yes" to questions 1, 2, or 3 and you answered "no" to questions 5-11, then you need to answer the following questions:

12. Do you find by a preponderance of the evidence that TruePosition has proven that it is entitled to lost profits?

Answer:

If you answered "yes" to question 12, what amount of lost profits has TruePosition proven it is entitled to?

Amount: \$

You must each sign this verdict form:

Dated:

_____ (foreperson)

CERTIFICATE OF SERVICE

I, Andrew A. Lundgren, Esquire, hereby certify that on August 24, 2007, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

James D. Heisman, Esquire
Connolly, Bove, Lodge & Hutz LLP
The Nemours Building
1007 North Orange Street
Wilmington, DE 19801
Email: jheisman@cblh.com

I further certify that on August 24, 2007, I caused a copy of the foregoing document to be served by hand delivery on the above-listed counsel of record and on the following in the manner indicated:

BY ELECTRONIC MAIL

Paul B. Milcetic, Esquire
David L. Marcus, Esquire
Daniel J. Goettle, Esquire
Woodcock Washburn LLP
One Liberty Place, 46th Floor
Philadelphia, PA 19103
Phone: 215-988-2063
Email: pbmilcet@woodcock.com
marcus@woodcock.com
dgoettle@woodcock.com

YOUNG CONAWAY STARGATT & TAYLOR, LLP

/s/ Andrew A. Lundgren

Josy W. Ingersoll (No. 1088)
Andrew A. Lundgren (No. 4429)
The Brandywine Building
1000 West Street, 17th Floor
Wilmington, Delaware 19801
(302) 571-6600
alundgren@ycst.com
Attorneys for Defendant Andrew Corporation